

**BEFORE: MATSUMOTO U.S.D.J.**

**TIME: 5:30pm.**

**CRIMINAL CAUSE FOR SENTENCING**

**SENTENCING 09CR360 (KAM) U.S.A. KONTOGIANNIS ET AL**

**DEFENDANT'S NAME: Jonathan Rubin**

☒ Present    ☐ not present    ☐ custody    ☒ bail

**DEFENSE COUNSEL: Robert Curtis Gottlieb**

☒ present    ☐ not present    ☐ CJA    ☒ retained    ☐ Federal Defender

DOCKET & FILE

A.U.S.A: Shannon Jones

**COURT REPORTER: Fred Gurino**

**Deputy: Sandra Jackson**

- ☒ CASE CALLED.                      ☒ DEFENDANT SWORN AND INFORMED OF RIGHTS
- ☒ SENTENCING HELD.            ☒ STATEMENTS OF DEFENDANT AND COUNSEL HEARD
- ☒ DEFENDANT PLEA GUILTY ON COUNT ONE OF THE INDICTMENT.

**PROBATION: 5 years probation with special conditions.**

- (1) Mr. Rubin shall provide full and complete financial disclosure to the government and probation officer;
- (2) Compliance with the restitution and forfeiture orders which are attached hereto and incorporated herein.
- (3) Defendant shall serve 60 hours of community service per year of supervised release as approved by probation for a total of 300 hours of community service.
- (4) Defendant shall not possess a firearm, ammunition or destructive device.

**Restitution:**

An Order and Judgment of Restitution annexed hereto and incorporated herein in the amount of \$98,344,832.59 payable as set forth herein, of which \$53,344,641.16 is owed to the Federal Deposit Insurance Corporation on behalf of Washington Mutual and \$45,000,191.43 is owed to DLJ Mortgage Capital, Inc. Restitution is due immediately and payable at the minimum rate of at least 25% of defendant's monthly income, including personal and business income, after deductions required by law, starting with the first month of probation and continuing until paid in full. Interest is waived. The minimum payment may be increased if warranted based upon complete and truthful financial disclosure to the Probation and/or the U.S. Attorney's Office. Restitution is joint and several with the other co-defendants: Mr. Apergis, Mr. Doumazios, Mr. Hogan, Mr. Kontogiannis, Ms. Konstantinadou, Mr. Michael, and Mr. Martini, except that Mr. Martini is jointly and severally liable only up to the amount of his previously imposed restitution and judgment.

**Forfeiture:**

The Court's Order and Judgment of Forfeiture is annexed hereto and incorporated herein. Pursuant to the Plea Agreement, Mr. Rubin shall forfeit defendant's right, title and interest in properties located at (i) 4302 Westshore Avenue, Brooklyn, NY; (ii) 133-33 Brookville Boulevard, Rosedale, New York and (iii) One Plaza Road, Greenvale, NY.

**12/13/11 SENTENCE USDJ KIYO A. MATSUMOTO 09CR360 USA V. JONATHAN RUBIN**

\$100.00 Special Assessment \$98,344,832.59 Restitution 0 Fine

Defendant shall comply with the order of forfeiture attached hereto and incorporated herein.

☐ EXECUTION OF SENTENCE IS STAYED TO \_\_\_\_\_.

☐ NO REMAINING OPEN COUNTS

✓ REMAINING OPEN COUNTS 6 OF THE INDICTMENT ARE DISMISSED

☐ GOVT'S MOTION ☐ COURT'S MOTION

✓ COURT ADVISED DEFT OF RIGHT TO APPEAL. ☐ I.F.P. GRANTED

✓ TRANSCRIPT ORDERED

☐ ICE DETAINER

✓ GOVT SHALL ARRANGE FOR THE RETURN OF DEFENDANT'S PROPERTY, IF ANY.